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Letter dated 29 March 2001 from the head of the Canadian delegation addressed to the secretariat of the Preparatory Committee, transmitting drafting proposals on the revised draft Programme of Action (A/CONF.192/PC/L.4/Rev.1)

I have the honour to attach herewith the text of the Canadian proposals made during the third session of the Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (see annex).

I shall highly appreciate it if the Canadian proposals could be circulated as an official document of the Preparatory Committee.

(*Signed*) Paul **Meyer**
Head, Canadian delegation

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Annex

Canadian intervention on the draft Programme of Action

Preamble

Para.2:

"Gravely concerned at the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and spread in many regions of the world, which have a wide range of *detrimental* humanitarian and socio-economic consequences on *global* stability and development;

Para.3:

" Recognizing that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, *develops cultures of violence*, contributes to the displacement of innocent populations, *contributes directly to violations of* international humanitarian law, fuels crime and terrorism *and, forges our determination to put an end to human suffering and the killing of innocent civilians caused by SALW,* "

Para 4 bis:

"Recognizing also the particular vulnerabilities of women in situations of armed conflicts and the negative effects that small arms proliferation has on women, including heightening risks of exploitation, slavery and sexual violence. "

Para. 5:

"Concerned also about the close link between terrorism, organized crime and the drug trade, on the one hand, and the uncontrolled spread of small arms and light weapons on the other, and stressing the importance of international efforts aimed at combating them *simultaneously from both a supply and demand side perspective,* "

Para 5 bis:

" Noting that numerous UN reports for the past years have documented that the negative effects of SALW on development have hit the poorest countries the hardest "

Para. 6, 7, 8 and 9: Merging the existing four paragraphs together and add:

"reaffirming our respect for and commitment to the basic norms of international humanitarian law and the principles enshrined in, inter alia, the Geneva Conventions, the UN Charter, the UN Convention on the Rights of the Child and UNSC Resolutions relating to children and women in armed conflicts;"

Para. 12:

"Recognizing the necessity for *international* cooperation and assistance for addressing demand and supply issues as well supporting and facilitating efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,"

Para 13 bis:

"Considering that enhanced openness and transparency and improved information exchange on SALW would contribute greatly to confidence-building and security among states, including a better understanding of the illicit trade in SALW,"

Para 16:

"Welcoming the efforts being undertaken at the *global*, regional, sub-regional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon these, while taking into account the characteristics, scope and magnitude of the problem in each region".

Para. 18:

"Welcoming the adoption by the General Assembly of the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Organized Crime which complements and reinforces the efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects."

Para. 20:

"Resolve therefore to put *an end to human suffering caused by SALW and* to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:"

Section II

Para 5:

"*For the purposes of effectively managing the small arms trade and for the purposes of tracing,* ensure that manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture, *the name of the manufacturer and a serial number.*" (The remaining text can be deleted.)

Para 5 bis:

"To promote the efficient tracing of small arms and light weapons by ensuring that appropriate markings are applied to firearms on import, permitting the identification of the country of import and a serial number if the firearm does not bear one."

Para 6:

"To ensure that all collected, confiscated or seized weapons are expeditiously destroyed, once due legal process is complete."

Para 7:

"To ensure that comprehensive and accurate records are kept for as long as possible, *and for a minimum of at least ten years,* on the manufacture, holding and transfer of small arms and light weapons within their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities."

Para 9:

"To assess application for export authorizations according to strict national criteria (and regional and global criteria when applicable) that cover all categories of SALW, in order to prevent illicit trade in these weapons, or their diversion to unauthorized recipients."

Para 9 bis:

"To assess applications for export authorization by taking into account such factors as:

(a) respect for human rights and fundamental freedoms in the recipient country;

(b) the internal situation in the recipient country and its regional situation, in the light of existing tensions or armed conflicts;

(c) the record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force, on non proliferation, arms control and disarmament, and on international law governing the conduct of armed conflict;

(d) the nature and the cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs, and to the objective of the least diversion of human and economic resources to armament;

(e) the requirements of the recipient country in exercising its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;

(f) the question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;

(g) the legitimate domestic security needs of the recipient country; and

(h) the requirements of the recipient country in enabling it to participate in peacekeeping or other measures in accordance with decisions of the United Nations."

Para 13:

"To supply small arms and light weapons only to Governments or those authorized by Governments *to procure such arms*, either directly or through entities authorized *by Governments to effect such supply.*"

Para 29 bis:

"To support national disarmament, demobilization and reintegration programmes in post-conflict situations involving other regional states, with special reference to the measures agreed in paragraphs 26-29 of this section."

Para 31 bis:

"To establish a point of contact within the UN and within other international. organizations to act as liaison on matters relating to the implementation of the Programme of Action."

Para 32 bis:

"To establish, where appropriate, international mechanisms, in particular trans-border customs cooperation and networks for information sharing among export/import and brokering regulators, law enforcement, border and customs control agencies with a view to containing and reducing illicit trade in small arms and light weapons across borders."

Para 34:

"To support disarmament and demobilization of ex-combatants and their *subsequent reintegration* into civil society and, in that context, the collection and destruction *of small arms* and light weapons, as well as the destruction of surpluses, and the inclusion, where required, of specific provisions in peace agreements *for comprehensive disarmament, demobilization and reintegration programmes. Such provisions in turn should be reflected in the mandates and budgets of peacekeeping operations."*

Para 34 bis:

"To explore and develop ways to rebuild and support all of a society's essential institutions destroyed by a conflict, in order to facilitate the reintegration of ex-combatants, strengthen prospects for internal peace, decrease the likelihood of exacerbating tensions and impede any re-establishment of the illicit trade in small arms and light weapons."

Para 34 ter:

"To cooperate to ensure the effective implementation of decisions by the Security Council underlining the importance of disarmament, demobilization and reintegration measures."

Para 35:

"To develop international arrangements and a legally binding instrument to enable timely and reliable tracing of lines of supply by relevant authorities, *particularly in order to prevent diversion.*"

Para 35 bis:

"To encourage global action on small arms and light weapons in order to promote the introduction or strengthening of relevant national laws, regulations and administrative procedures, including action to develop agreed guidelines for export criteria applied at the national level."

Para 36:

"To encourage States and the World Customs Organization, as well as other relevant organizations, to consider enhanced cooperation with the International Criminal Police Organization (Interpol) *to trace small arms and light weapons and to* identify groups and individuals engaged in illicit trade of small arms and light weapons."

Para 37:

"To develop common understandings of the basic issues and the scope of the problems related to illicit arms brokering with a view to *effectively* regulating the activities of those engaged in arms brokering."

Para 37 bis:

"Given the particularly harmful effect of the illicit trade in SALW on children, both as victims of violence and users of weapons, the United Nations Children's Fund and the Special Representative of the Secretary-General for Children and Anned Conflict will be particularly involved in addressing the special needs of children in post-conflict situations as well as publicizing the negative effects of these weapons."

Section III

Para 1:

"We the States participating in the Conference recognize that the responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States, regardless of their role in the situation. We also recognize this illicit trade cannot be prevented or reduced by States alone, *and therefore encourage partnerships between and amongst States as well as between governments and civil society.*"

Para 4:

"States, international and regional organizations *and civil society* should assist and promote conflict prevention measures and the pursuit of negotiated solutions to conflicts wherever possible, *including inter alia support for public education on small arms, reconciliation, and peace building in order to promote the non-violent resolution of disputes, as well as support for community based and national mechanisms, including traditional methods that contribute to the alleviation of any root causes of conflict and facilitate the management of change without resort to violence.*"

Para 5 bis:

"States that have not already done so are encouraged to sign and ratify the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Organized Crime as soon as possible."

Para 9:

"States are encouraged to use the facilities of Interpol, in particular through the timely and complete provision of information *(including information regarding marking practices)* to its Weapons and Explosives Tracking System (IWETS) database or to any other database that may be developed."

Para 11:

"States undertake to cooperate with each other, including on the basis of existing *global and* regional legally binding instruments and with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, particularly by strengthening mechanisms based on the exchange of information."

Para 16 bis:

"Support for post conflict programmes related to disarmament, demobilization, and reintegration of former combatants must take into account gender differences among combatants and recognize the special needs of child combatants."

Para 16 ter:

"Support for post conflict programmes related to disarmament, demobilization and reintegration must also recognize that the challenge of reintegration depends not only on growth and jobs, but also on reconciliation."

Para 17:

"*Recognizing that security is an essential component of good governance, and that direct measures to help improve governance and accountability in the security sector are a high priority for conflict prevention and sustainable development,* greater efforts should be made *at the regional, sub-regional and national levels* to address the security aspects of development."

Para 17 bis:

"To take into account the following indicators when assessing whether a stock of small arms and light weapons is in surplus in a given state:

(a) the size, structure and operational concept of military and security forces;

(b) the geopolitical and geostrategic context, including the size of territory and population;

(c) the internal and external security situation;

(d) international commitments, including those relating to international peacekeeping operations; and

(e) the number of small arms and light weapons no longer in active use for military purposes in accordance with national regulations and practices."

Para 21:

"To develop and implement, where they do not exist, effective disarmament, demobilization and integration programmes, *including collection and destruction of small arms and light weapons,* in post-conflict situations."

Para 27:

"To establish, where appropriate, sub-regional or regional mechanisms, in particular trans-border customs cooperation and networks for information sharing among *export/import and brokering* regulators, law enforcement, border and customs control agencies with a view to containing and reducing illicit trade in small arms and light weapons across borders."

Para 28:

"To encourage regional and subregional action on small arms and light weapons in order to *promote the introduction or strengthening of relevant national* laws, regulations and administrative procedures, *including action to develop agreed guidelines for export criteria applied at the national level.*"

Section IV

Para 1:

"We, the States participating in the United National Conference on the Illicit Trade in All Its Aspects, *commit ourselves to implement expeditiously the national action measures set out in this Programme of Action, and to promote and cooperate actively in the implementation of the regional and global action measures it incorporates. In this regard, we* recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:"

Para 1(a):

"To convene a Review Conference no later than 2006 to review progress made in the implementation of the Programme of Action *and to amend the Programme as necessary to reflect changed circumstances and the achievement of initiatives proposed in the original version."*

Para 1(a) bis:

" To create a Contact Network made up of all national, regional and international points of contact established under this Programme of Action, plus points of contact established by non-governmental organizations accredited to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects or its Review Conferences or participating in annual meetings under this Section; and to establish a means of rapid routine communication among the members of the Contact Network so as to promote the exchange of information on all aspects of implementation of the Programme of Action and on related initiatives at the national, regional and global levels."

Para 1(b):

"To convene *an annual meeting of all bodies represented on the Contact Network, plus such others as may be agreed by the annual meeting, to exchange information on current and planned activities relating to the implementation of the Programme of Action, with a view to promoting assistance and cooperation on such initiatives."*

Para 1(b) bis:

"To appoint a Coordinator to promote and facilitate follow-up activities, with special reference to information exchange (including the Contact Network) and the convening of the annual meetings called for in the previous sub-paragraph."